UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:16-cv-90-FDW

(3:12-cr-228-FDW-1)

| TONY HUMPHREY, |) | |
|---------------------------|-------------|-------|
| Petitioner, |) | |
| vs. |) | ORDER |
| UNITED STATES OF AMERICA, |) | |
| Respondent. |))) | |

THIS MATTER is before the Court on a motion of the United States, (Doc. No. 13), to hold this action in abeyance pending the Fourth Circuit Court of Appeal's resolution of <u>United States v. Ali</u>, No. 15-4433 (4th Cir.) (tentatively calendared for oral argument during the October 25-28, 2016, session), and <u>United States v. Simms</u>, No. 15-4640 (4th Cir.) (tentatively calendared for oral argument during the October 25-28, 2016, session). The Federal Defenders of Western North Carolina have consented to the motion to stay. As the Government explains in its motion, the issues raised in the amended motion to vacate have also been raised in <u>Ali</u> and Simms.

IT IS HEREBY ORDERED that the Motion to Stay, (Doc. No. 13), is **GRANTED.**The Government shall have 60 days after the Fourth Circuit issues the mandates in <u>Ali</u> and <u>Simms</u> to file its response.

Signed: August 16, 2016

Frank D. Whitney

Chief United States District Judge

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